

Procurement



December 12, 2018

Kathleen Vaughn, Compliance Manager

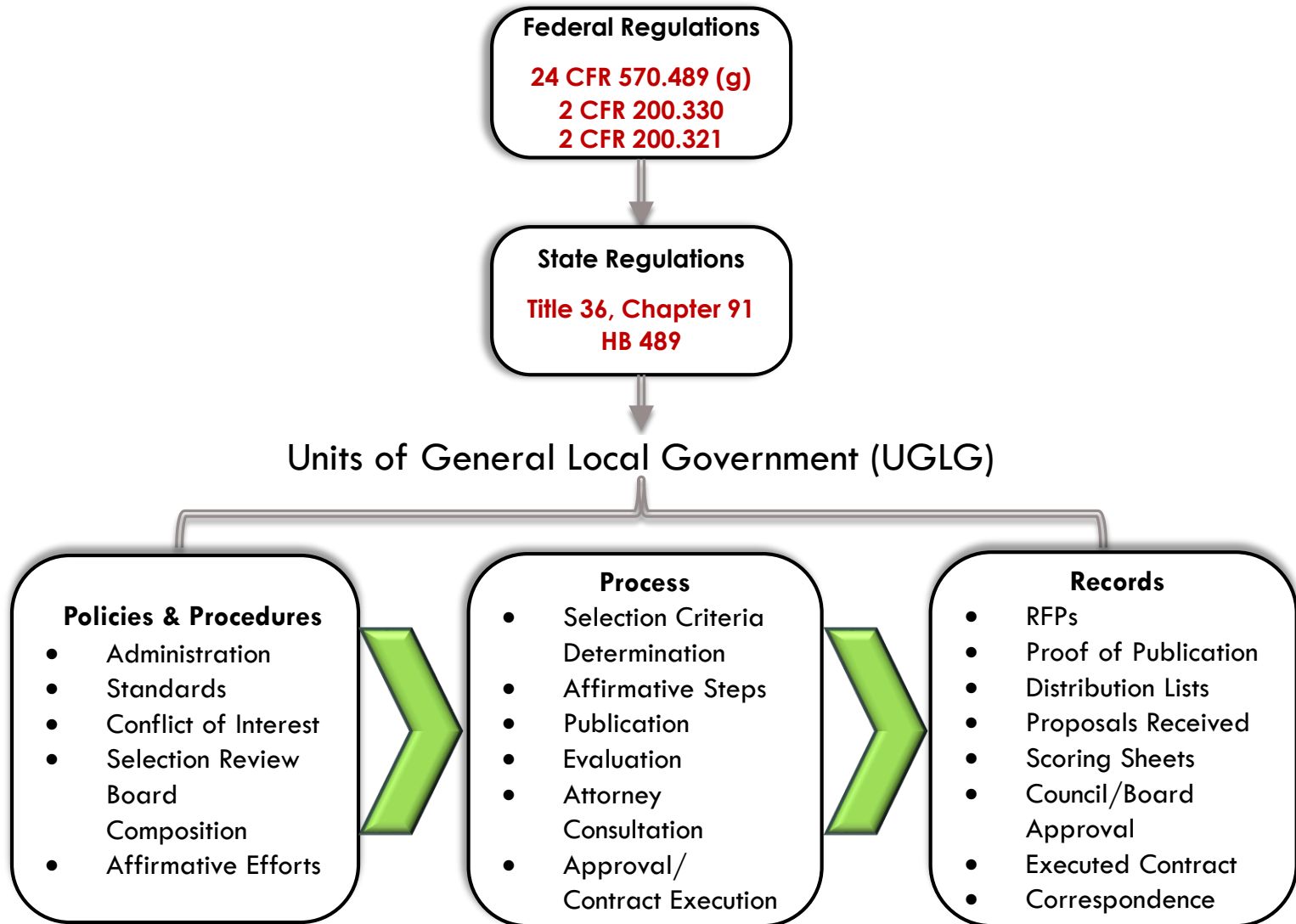
Agenda

2

- Overview
- Procurement Standards
- Methods of Procurement
- Contract Requirements
- Georgia Procurement Registry

Overview

3



Procurement Standards

4

- ❑ DCA's procurement policies and procedures implement the requirements of 24 CFR 570.489 (g) for its Recipients and Subrecipients including:
 - ❑ Full and open competition
 - ❑ Identification of Methods of Procurement and their applicability
 - ❑ Prohibition of cost plus a percentage of cost
 - ❑ Assurance that all purchase orders and contracts include any clauses required by Federal statutes, Executive orders, and implementing regulations
 - ❑ Subrecipient and contractor determinations shall be made in accordance with the standards in 2 CFR 200.330.

Procurement Standards

5

- ❑ CDBG recipients must use procurement procedures that conform to Federal, state and local laws and include the following (24 CFR Part 570.489 (g)):
 - ❑ Maintain a contract administration system ensuring that contractors perform in accordance with terms, conditions, and specifications of contracts or purchase orders
 - ❑ Documented Policy stating that:
 - No employee, officer, or agent...
“May participate in the selection, award, or administration of a contract supported by a Federal award if a real or apparent conflict of interest is present.”

Procurement Standards:

Conflict of Interest

6

- ❑ Prohibited conflicts
 - ❑ Persons with CDBG responsibilities, decision-making power or information may NOT:
 - Obtain a financial interest or benefit from CDBG activity
 - Have any interest in contract or subcontract
 - ❑ Applies to family members and business ties
 - ❑ Applies during tenure and 1 year after
- ❑ Example: Grant Administrator cannot assist grantee with drafting statements of work or RFPs for grant administration if they intend to submit proposal.

Procurement Standards: Affirmative Steps

7

- ❑ Recipients must make affirmative efforts to use minority and women-owned firms when possible (§200.321):
 - ❑ Place qualified firms on solicitation lists
 - ❑ Divide total requirements into smaller tasks
 - ❑ Establish delivery schedules that encourage participation
 - ❑ Use SBA and Office of Minority Business Enterprise services
 - ❑ Require prime contractors to take same affirmative steps

Procurement Standards: Competition

8

□ All procurement transactions will be conducted in a manner providing full & open competition.

(24 CFR 570.489 (g))

Restrictive Situations

- ✗ Unreasonable requirements
- ✗ Noncompetitive pricing practices
- ✗ Noncompetitive awards to consultants that are on retainer contracts
- ✗ Organizational conflicts of interest
- ✗ Specifying only a brand name product
- ✗ Any arbitrary action in the procurement process
- ✗ Contractors assisting with drafting statements of work, invitations for bids, RFPs, etc. must be excluded for such procurements

Procurement Standards: Selection Procedures

9

- ❑ Recipients must have written selection procedures that provide, as a minimum, the following procedural requirements:
 - ❑ Accurate description of the technical requirements for material, product, or service without restricting competition
 - ❑ Clear requirements and evaluation factors
 - ❑ The review of proposed procurement actions by Recipient officials to avoid purchasing unnecessary or duplicative items.

Procurement Standards: Selection Procedures

10

- ❑ A cost or price analysis for every procurement action
- ❑ Use of time and materials type contracts require DCA approval
- ❑ Consideration of contractor integrity, compliance with public policy, record of past performance, and financial and technical resources in the selection process

Methods of Procurement

11

- ❑ Small purchase: Procurements under \$100,000 (if allowed by local policy)
 - ❑ Require that price or rate quotations be obtained from an adequate number of qualified sources
 - ❑ Not appropriate for procurement of administrative or professional services
- ❑ Competitive Negotiation: Professional Services
- ❑ Competitive Sealed Bids: Public Works Construction
- ❑ Sole Source: Requires DCA Approval
 - ❑ The item or service is available from only one source;
 - ❑ Urgent public need will not allow for the delay caused by advertising;
 - ❑ Although a number of bids were solicited, only one response was received.

Competitive Negotiation: Professional Services

12

- ❑ CDBG payments for Professional services are subject to the “competitive negotiation” requirements of 24 CFR 570.489 (g).
- ❑ Private grant writers/administrators
- ❑ Engineers and Architects
- ❑ Not applicable if contracting with Regional Commissions

Competitive Negotiation: Professional Services

12

- ❑ Avoid the appearance of a conflict of interest:
 - ❑ Prior to CDBG application submission, both grant application services and grant administration services should be solicited using the same Request for Proposal (RFP).
 - ❑ For Engineering/Architectural services, preliminary reports and design and construction services should all be procured upfront using the appropriate RFP or Request for Qualification (RFQ) process.

Sample Notice for RFP

CITY/COUNTY

REQUEST FOR PROPOSALS

ADMINISTRATIVE & RELATED GRANT SERVICES

Date: **DATE**

Statements of qualifications and proposals are being requested from consultants with a strong record in successfully assisting local governments with grant writing for and implementation of Community Development Block Grant (CDBG) programs. Responding firms should be qualified to provide grant administration and related services including, but not limited to: Preparation of the grant application; Preparation of the Environmental Review Record; Preparation of draw/disbursement requests; Assistance with financial administration of grant funds and record keeping; Assistance with holding public hearings; Assistance with any required acquisition following the Uniform Relocation Assistance and Real Property Acquisition Act (URA); Assisting the engineer/architect with preparation of bid documents, advertising and conducting the bid opening; Assisting the city/county with Davis-Bacon and related labor requirements including weekly payroll review and employee interviews; Assisting the city/county with meeting Affirmatively Furthering Fair Housing (AFFH) requirements; and Preparation of close-out documents.

CITY/COUNTY plans are to contract with a reputable consulting firm for grant writing, and, if funded, for administration services, for a FY20 **CDBG** project. The purpose of the project is to provide **DESCRIBE PROPOSED IMPROVEMENTS**.

Information which should be submitted for our evaluation is as follows:

- 1) History of firm and resources
- 2) CDBG experience, including other DCA grant programs
- 3) Capacity to complete scope of work
- 4) Current workload
- 5) Scope and level of service proposed
- 6) Experience with similar projects and list of references
- 7) Fees associated with grant writing, and grant administration, if the project is funded
- 8) Statement of Qualifications Form
- 9) Applicable Section 3 Certification forms, if claiming Section 3 Status

All contracts are subject to Federal and State contract provisions prescribed by the Georgia Department of Community Affairs. This project is covered under the requirements of Section 3 of the HUD Act of 1968, as amended and Section 3 Business Concerns are encouraged to apply.

Competitive Negotiation: Professional Services

13

- 1) Establish or appoint a local Selection Review Committee
- 2) Determine the Selection Criteria
 - ❑ Prepare a Ratings Criteria Score Sheet
- 3) Develop the Request for Proposals (RFP) Package
 - ❑ May choose Request for Qualifications (RFQ) for engineering services
- 4) Publicize the RFP or RFQ.
 - ❑ Publish to the legal organ or appropriate website. Allow 30 days for responses.
 - ❑ The publication must state this is a Section 3 contract opportunity.
 - ❑ **NEW:** If equal to or greater than \$10,000 place on Georgia's Procurement Registry, ([HB 489](#))

Competitive Negotiation: Professional Services

14

- 5) Distribute the RFP or RFQ to known providers
 - ❑ Consultants/Administrators sent to at least seven (7) known providers.
 - ❑ Engineering/architectural sent to at least ten (10) know providers.
 - ❑ Email delivery - use Request Delivery Receipt & Request Read Receipt to provide equivalent documentation when using this method.
 - ❑ Mail delivery – send Certified Return Receipt

Competitive Negotiation: Professional Services

15

6) Review & Rate Proposals

- ❑ Give priority, to the greatest extent feasible, to Section 3 businesses.

7) Approve the Selection

- ❑ Consult city or county attorney about recommendation and proposed contract
- ❑ Based upon established reasons and attorney's recommendation, obtain full council/commission approval and execute contract.
- ❑ Notify unsuccessful applicants in writing

Competitive Negotiation: Professional Services

16

8) Maintain Complete Records

- ☐ RFP
- ☐ Proof of Publication
- ☐ Distribution List
- ☐ Copies of Proposals Received
- ☐ Scoring Sheets
- ☐ Meeting Minutes – Council/Board Approval
- ☐ Executed Contracts
- ☐ Correspondence with Section 3 businesses

Competitive Sealed Bids: Public Works Construction

17

- ❑ DCA, under the authority of 24 CFR 570.489(g), has adopted Title 36, Chapter 91 of the Official Code of Georgia, Georgia Public Works Construction Law
- ❑ Traditional design–bid–construct method
 - ❑ Alternative methods require DCA approval
- ❑ Advertising Requirements
 - ❑ Contract opportunity must be posted in the governing authority's office
 - ❑ Contract opportunity must be advertised in either the legal organ of the government, or on an Internet website of the government entity or one identified by the entity
 - ❑ **NEW:** Place on Georgia's Procurement Registry, (HB 489)

Competitive Sealed Bids: Public Works Construction

18

- ❑ Contract opportunities must be advertised at least two times:
 - ❑ The first advertisement must be at least 4 weeks prior to the bid opening date; and
 - ❑ The second advertisement must follow at least 2 weeks after the first advertisement
 - ❑ Advertisements placed on an Internet website should run continuously for at least four weeks.

Contract Requirements

19

❑ Debarment & Suspension

- ❑ Contracts must not be awarded to parties listed on the government wide exclusions in the System for Award Management.

Contract & Contractor Procurement Checklist

<input type="checkbox"/> Contractor/Subcontractor Affidavit	(Compliance with OCGA 13-10-91) Applicable to All Contracts and Subcontracts						
<input type="checkbox"/> Section 3 Clause	All Contracts						
<input type="checkbox"/> Provision for Remedies	All Contracts						
	ARCHITECTURAL & ENGINEERING SERVICES	HOUSING REHAB		CONSTRUCTION CONTRACTS			
		<input type="checkbox"/> Less than 8 Units	<input type="checkbox"/> 8 or More Units	<input type="checkbox"/> Over \$100,000	<input type="checkbox"/> Over \$40,000	<input type="checkbox"/> Over \$10,000	<input type="checkbox"/> Over \$2,000
<input type="checkbox"/> Provision for termination	✓ If over \$10,000	✓ If over \$10,000	✓ If over \$10,000	✓	✓	✓	
Executive Orders 11246/11375							
<input type="checkbox"/> EEO Clause				✓	✓	✓	
<input type="checkbox"/> EEO Specifications				✓	✓	✓	
<input type="checkbox"/> Affirmative Action				✓	✓	✓	
<input type="checkbox"/> Non-Segregated Facilities				✓	✓	✓	
Federal Labor Standards							
<input type="checkbox"/> Copeland Anti-Kickback			✓	✓	✓	✓	✓
<input type="checkbox"/> Davis-Bacon Clause			✓	✓	✓	✓	✓
<input type="checkbox"/> Wage Rate from DCA			✓	✓	✓	✓	✓
<input type="checkbox"/> Work Hours & Safety			✓ If over \$10,000	✓			
<input type="checkbox"/> Performance Bonds				✓	✓		
<input type="checkbox"/> 5% Bid Bond				✓			
<input type="checkbox"/> Clean Air/ Water Clause				✓			
<input type="checkbox"/> Provision for Disability Accessibility (if a bldg.)	✓						
<input type="checkbox"/> Provision for GA Energy Code (if a bldg.)	✓						

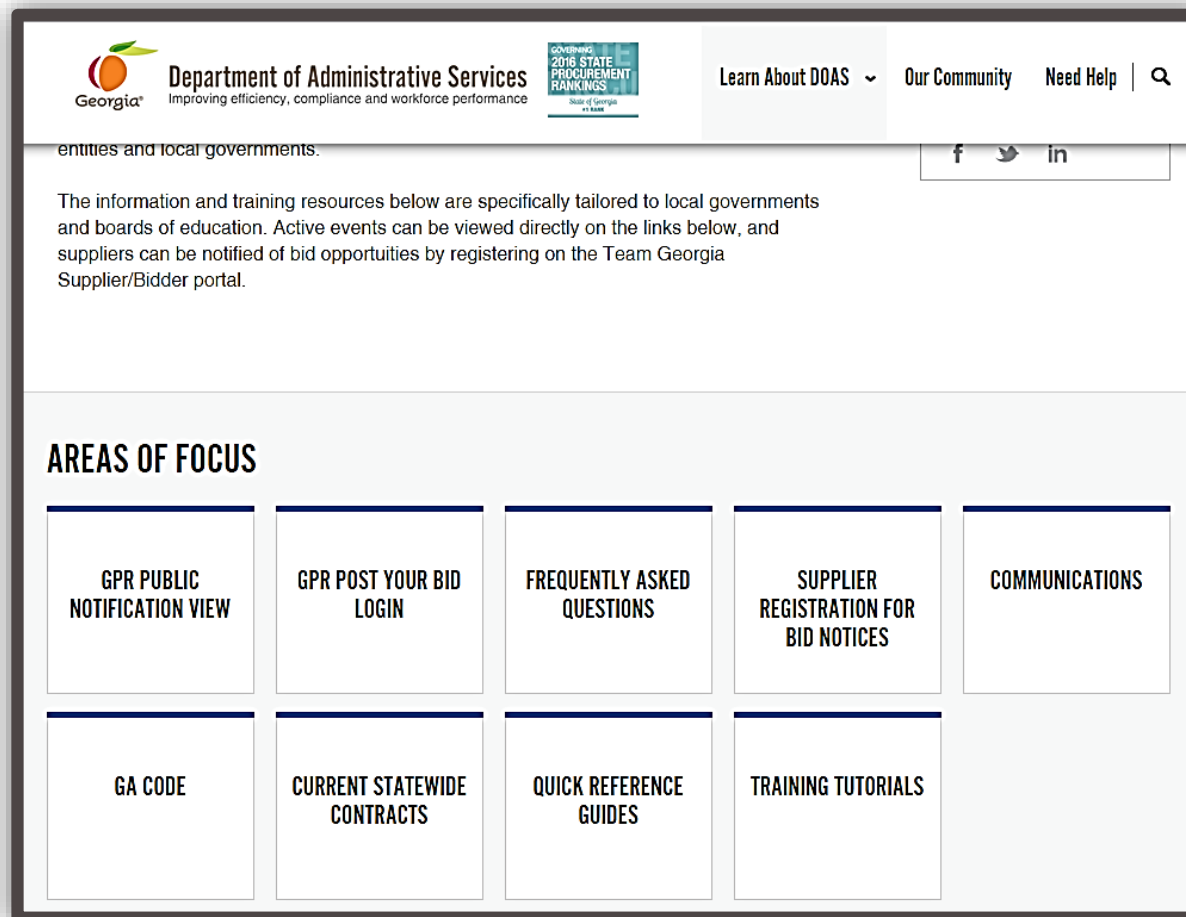
Georgia Procurement Registry

23

- House Bill 489, effective July 1, 2018, applies to:
 - Opportunities \$10,000 or more
 - Bids or proposal opportunities extended for public works construction contracts subject to Chapter 91
- Contract opportunities shall be publicly advertised
 - In the governing authority's office
 - Requirement for public works construction contracts
 - In the legal organ of the county or appropriate website
 - On the Georgia Procurement Registry at no cost to the governmental entity.

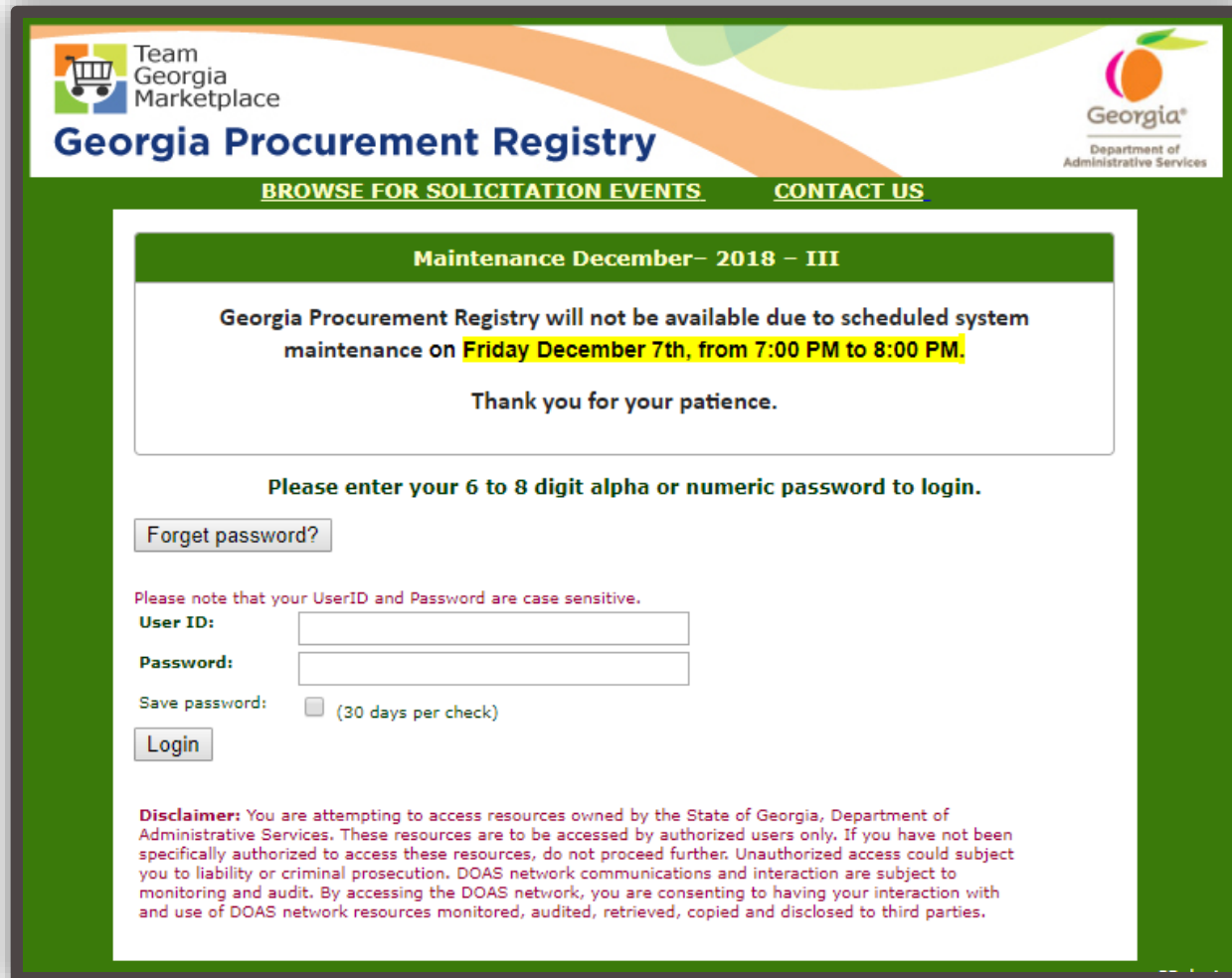
Georgia Procurement Registry

❑ Information & Training Resources Website: <http://doas.ga.gov/state-purchasing/georgia-procurement-registry-for-local-governments>



Georgia Procurement Registry

- ❑ GPR Login: https://ssl.doas.state.ga.us/PRSapp/PR_login.jsp



The screenshot shows the Georgia Procurement Registry login interface. At the top, there are logos for 'Team Georgia Marketplace' and 'Georgia Department of Administrative Services'. The main heading is 'Georgia Procurement Registry'. Below this, there are links for 'BROWSE FOR SOLICITATION EVENTS' and 'CONTACT US'. A green banner indicates 'Maintenance December- 2018 - III'. A white box contains a message: 'Georgia Procurement Registry will not be available due to scheduled system maintenance on Friday December 7th, from 7:00 PM to 8:00 PM. Thank you for your patience.' Below this, a prompt asks the user to 'Please enter your 6 to 8 digit alpha or numeric password to login.' There is a 'Forgot password?' link. A note states 'Please note that your UserID and Password are case sensitive.' The login fields include 'User ID:', 'Password:', and a 'Save password:' checkbox with '(30 days per check)' text. A 'Login' button is at the bottom. A disclaimer at the very bottom states: 'Disclaimer: You are attempting to access resources owned by the State of Georgia, Department of Administrative Services. These resources are to be accessed by authorized users only. If you have not been specifically authorized to access these resources, do not proceed further. Unauthorized access could subject you to liability or criminal prosecution. DOAS network communications and interaction are subject to monitoring and audit. By accessing the DOAS network, you are consenting to having your interaction with and use of DOAS network resources monitored, audited, retrieved, copied and disclosed to third parties.'

Team Georgia Marketplace

Georgia Department of Administrative Services

Georgia Procurement Registry

[BROWSE FOR SOLICITATION EVENTS](#) [CONTACT US](#)

Maintenance December- 2018 - III

Georgia Procurement Registry will not be available due to scheduled system maintenance on **Friday December 7th, from 7:00 PM to 8:00 PM.**

Thank you for your patience.

Please enter your 6 to 8 digit alpha or numeric password to login.

[Forgot password?](#)

Please note that your UserID and Password are case sensitive.

User ID:

Password:

Save password: ☐ (30 days per check)

[Login](#)

Disclaimer: You are attempting to access resources owned by the State of Georgia, Department of Administrative Services. These resources are to be accessed by authorized users only. If you have not been specifically authorized to access these resources, do not proceed further. Unauthorized access could subject you to liability or criminal prosecution. DOAS network communications and interaction are subject to monitoring and audit. By accessing the DOAS network, you are consenting to having your interaction with and use of DOAS network resources monitored, audited, retrieved, copied and disclosed to third parties.

Questions ?

24

Kathleen Vaughn

CDBG Compliance Manager

(404)679-0594

or

Kathleen.Vaughn@dca.ga.gov